APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,979	04/07/2004	Sean Christopher Endler	Sony-07000	9035

7590 09/07/2006	**EXAMINER**
Valley Oak Law	THERIAULT, STEVEN B
5655 Silver Creek Valley, #106	
San Jose, CA 95138	

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 April 2004_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _07 April 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _04/05_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Non-provisional application filed

04/07/2004 with an Information Disclosure statement filed 04/2005.

2.   Claims 1 -22 are pending in the case. Claims 1, 12, 13, 17, and 22 are the independent claims.

Claim Rejections - 35 USC § 102

3.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the**

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 1-22 are rejected under 35 USC 102(b) as being anticipated by Easty et al**

(hereinafter Easty) U.S. Patent No. 6,448,987 issued September 10, 2002 and filed Apr. 3,

1998.

In regard to **Independent claim 1,** Easty teaches a method comprising:

- Detecting an input (column 3, lines 10-20). Easty teaches detecting a users selection of an icon.

- Displaying a plurality of selections; (Easty Figure 1a-1b and column 4, lines 1-17) Easty shows a plurality of selections

- Moving a first segment based on the input; (Easty figure 1a-1b and column 5, lines 30-45) Easty teaches the movement of a selection indicator based on user input

- Detecting a location of the first segment relative to the plurality of selections (Easty Figure 1a-1b) Easty teaches detecting the location of the user selection in relation to the other menu items and then rotating the menu to the location of input.

- Highlighting a particular selection of the plurality of selections when the first segment is within an area of the particular selection (Easty column 4, lines 50-67 and column 5, lines

- Highlighting a particular selection of the plurality of selections when the first segment is within an area of the particular selection (Easty column 4, lines 50-67 and column 5, lines 45-67). Easty teaches highlighting a particular selection when the user moves the highlighting icon to the selection.

- Selecting the particular selection based on the first segment being located within the vicinity of the particular one of the plurality of selections (Easty column 3, lines 10-20) Easty teaches the user selects the menu item when the highlighted icon is located on the selection.

With respect to **dependent claim 2,** Easty teaches the method further comprising displaying a plurality of sub-selections corresponding to the particular selection (Easty figure 1a-b) Easty displays a plurality of sub-selections corresponding to the first selection.

With respect to **dependent claim 3,** Easty teaches the method further comprising highlighting a particular sub-selection from the plurality of sub-selections when a second segment is within an area of the particular sub-selection (Easty figure 1b) Easty teaches the sub-selection rock is highlighted when chosen by the user.

With respect to **dependent claim 4,** Easty teaches the method the plurality of selections corresponds with a function (Easty column 4, lines 1-27).

With respect to **dependent claim 5,** Easty teaches the method wherein the function is one of a save function, a print function, a play function, and a meeting schedule function (Easty column 4, lines 1-27).

With respect to **dependent claim 6,** Easty teaches the method the plurality of selections corresponds with content (Easty column 4, lines 1-27)

With respect to **dependent claim 7,** Easty teaches the method wherein the content is one of an audio content, a video content, a document, and a graphic (Easty column 4, lines 1-27).

With respect to **dependent claim 8,** Easty teaches the method wherein the input is initiated through a pointing device (Easty column 6, lines 13-25).

With respect to **dependent claim 9,** Easty teaches the method wherein the input is initiated through a touch screen (Easty column 6, lines 13-25).

With respect to **dependent claim 10,** Easty teaches the method wherein the area of the particular selection is defined as an area closer to the particular selection compared to other selections (Easty column 5, lines 10-15)

With respect to **dependent claim 11,** Easty teaches the method wherein the area of the particular selection is defined as an area over the particular selection (Easty column 5, lines 10-15).

In regard to **Independent claim 12,** claim 12 reflects the system comprising computer readable instructions used for performing the method steps as claimed in claim 1 and is rejected along the same rationale.

In regard to **Independent claim 13,** Easty teaches a method comprising:

- Detecting an input (Easty column 3, lines 10-20). Easty teaches detecting a users selection of an icon.
- Displaying a plurality of selections (Easty Figure 1a-1b and column 4, lines 1-17). Easty shows a plurality of selections.

- Detecting a first segment within an area of a particular selection from the plurality of selections (Easty Figure 1a-1b) Easty teaches detecting the location of the user selection in relation to the other menu items and then rotating the menu to the location of input.

- Highlighting the particular selection based on the first segment located within the area of the particular selection (Easty column 4, lines 50-67 and column 5, lines 45-67). Easty teaches highlighting a particular selection when the user moves the highlighting icon to the selection.

- Displaying a plurality of sub-selections corresponding to the particular selection (Easty figure 1a-b) Easty displays a plurality of sub-selections corresponding to the first selection.

With respect to **dependent claim 14,** Easty teaches the method further comprising selecting the particular selection based, in part, on the first segment within the area of the particular selection (Easty column 5, lines 10-15).

With respect to **dependent claim 15,** Easty teaches the method further comprising highlighting a particular sub-selection from the plurality of sub-selections when a second segment is within an area of the particular sub-selection (Easty figure 1b) Easty teaches the sub-selection rock is highlighted when chosen by the user.

With respect to **dependent claim 16,** Easty teaches the method further comprising rotating the second segment over the plurality of sub-selections (Easty column 5, lines 30-45).

In regard to **Independent claim 17,** Easty teaches a system, comprising:
- A input detection module to detect input through an input device (Easty column 3, lines 10-20). Easty teaches detecting a users selection of an icon.

- A render module to render images for displaying a plurality of selections and a segment controlled by the input and used for selecting a particular selection from the plurality of selections, wherein the render module selectively highlights the particular selection based on the input and the location of the segment 9Easty column 3, lines 60-67 and column 4, lines 1-27).

With respect to **dependent claim 18,** Easty teaches the system wherein the render module displays a plurality of sub-selections based on the particular selection (Easty figure 1a-b). Easty displays a plurality of sub-selections corresponding to the first selection.

With respect to **dependent claim 19,** Easty teaches the system wherein the input device is a pointing device (Easty column 6, lines 13-25).

With respect to **dependent claim 20,** Easty teaches the system wherein the input device is a touch screen device (Easty column 6, lines 13-25).

With respect to **dependent claim 21,** Easty teaches the system wherein the input detection module provides the input to the render module wherein the input rotates the segment over the plurality of selections (Easty column 5, lines 17-45).

In regard to **Independent claim 22,** claim 22 reflects the computer readable medium comprising computer readable instructions used for performing the method steps as claimed in claim 1 and is rejected along the same rationale.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck,* 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson,* 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,925,611 to SanGiovanni et al. issued August 2, 2005, and discloses and

navigational interface for computers where a plurality of selections are shown and highlighted

when the user makes a selection on the device.

        U.S. Patent Publication No. 20040140995 to Goldthwaite et al. issued July 22, 2004, and

discloses an electronic programming guide that has menu options that display sub-menu items

when selected.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner

can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT

WEILUN LO
SUPERVISORY PATENT EXAMINER